

Remarks

Claims 79-126 were pending in the subject application. By this Amendment, claims 78, 80, 85, and 126 have been amended and new claim 127 has been added. The undersigned avers that no new matter is introduced by this amendment and support for the new and amended claims can be found throughout the subject application (including, for example, page 49, lines 15-20). Entry and consideration of the amendments presented herein is respectfully requested. Accordingly, claims 79-127 are currently before the Examiner for consideration. Favorable consideration of the pending claims is respectfully requested.

As an initial matter, Applicants gratefully acknowledge the Examiner's withdrawal of certain of the previous rejections under 35 U.S.C. §102(b). In addition, Applicants gratefully acknowledge the Examiner's indication that claims 80-84 and 86-125 are free of the prior art.

Claim 124 was objected to because of an informality. The Examiner indicates that the term "asparagine" is misspelled. Applicants gratefully acknowledge the Examiner's careful review of the claims. In accordance with the Examiner's suggestion, Applicants have corrected the spelling of "aparagine" with "asparagine" in claim 124. Accordingly, reconsideration and withdrawal of the objection is respectfully requested.

Claims 85 and 126 have been rejected under 35 U.S.C. §112, second paragraph, as indefinite for failing to recite the position of the alanine recited in the independent claim from which claims 85 and 126 depend. In order to expedite prosecution of the subject application, the claims have been amended to recite the position identified in independent claims 80 and 121. In view of the amendments to the claims, the applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. §112, second paragraph.

Claims 79, 85, and 126 have been rejected under 35 U.S.C. §102(b) as anticipated by Zurawski *et al.* (U.S. Patent No. 5,696,234). The Office Action argues that Zurawski *et al.* teach an isolated and purified recombinant polypeptide comprising a contiguous span of at least 6 amino acids that correspond to positions 1305 to 1312 of SEQ ID NO: 5. The Office Action also states that the cited reference teaches antibodies that binds to an epitope of the polypeptides taught in the reference

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and that the disclosure of Zurawski *et al.* meets the limitations of the claimed invention. Applicants respectfully traverse.

It is respectfully submitted that the reference fails to teach the limitations of the presently claimed invention. For example, Zurawski *et al.* fail to teach a polypeptide comprising a contiguous span of at least 10 amino acids of SEQ ID NO: 5.

It is also respectfully submitted that the cited reference fails to teach an isolated and purified polypeptide comprising: a) a contiguous span of at least 6 amino acids of SEQ ID NO:5, wherein said contiguous span comprises an asparagine at an amino acid position corresponding to position 1694 of SEQ ID NO:5; b) a contiguous span of at least 6 amino acids of SEQ ID NO:5, wherein said contiguous span comprises a valine at an amino acid position corresponding to position 1854 of SEQ ID NO:5; c) a contiguous span of at least 6 amino acids of SEQ ID NO:5, wherein said contiguous span comprises an asparagine at an amino acid position corresponding to position 1967 of SEQ ID NO:5; d) a contiguous span of at least 6 amino acids of SEQ ID NO:5, wherein said contiguous span comprises a glutamic acid at an amino acid position corresponding to position 2017 of SEQ ID NO:5; or e) a contiguous span of at least 6 amino acids of SEQ ID NO:5, wherein said contiguous span comprises an alanine at an amino acid position corresponding to position 2050 of SEQ ID NO:5. As admitted in the Office Action, Zurawski *et al.* teach a span of amino acids that correspond to amino acids 1305-1312 of currently claimed SEQ ID NO: 5; thus, the reference fails to anticipate a contiguous span of amino acids as provided in claims 80 and 85. With respect to the rejection as applied to claim 126, it is respectfully submitted that the cited reference fails to teach an antibody that binds to an epitope that comprises an alanine at an amino acid position corresponding to position 2050 of SEQ ID NO:5. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

Claims 79, 85, and 126 have also been rejected under 35 U.S.C. §102(e) as being anticipated by Ring *et al.* (U.S. Patent No. 5,811,267). The Office Action asserts that the reference anticipates the claimed invention on the basis that it teaches a contiguous span of at least 6 amino acids that correspond to positions 1533 to 1539 of SEQ ID NO:5. It is also asserted that the reference teaches antibodies that bind to an epitope of the polypeptides taught in the reference. Applicants respectfully traverse.

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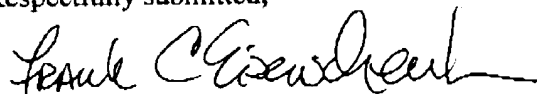
Applicants respectfully submit that the claimed invention is not anticipated by Ring *et al.* For example, the reference fails to teach an antibody that specifically binds to an epitope that comprises an alanine at an amino acid position corresponding to position 2050 of SEQ ID NO:5. Additionally, it is respectfully submitted that the reference fails to teach an isolated polypeptide comprising a contiguous span of at least 10 amino acids shown as positions 1 to 1629 of SEQ ID NO:5. Finally, it is respectfully submitted that the reference fails to teach an isolated polypeptide comprising a contiguous span of at least 6 amino acids, wherein said contiguous span comprises an alanine at an amino acid position corresponding to position 2050 of SEQ ID NO:5. Indeed, it does not appear that the sequence alignment provided with the Office Action of May 30, 2003 contains an alanine. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

In view of the foregoing remarks and amendments to the claims, the applicants believe that the currently pending claims are in condition for allowance, and such action is respectfully requested.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 or 1.17 as required by this paper to Deposit Account 19-0065.

The applicants invite the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,



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